

enforcement, and/or proceedings for withdrawal of plan approval.

[65 FR 20742, Apr. 18, 2000, as amended at 65 FR 36627, June 9, 2000]

§ 1952.296 Where the plan may be inspected.

A copy of the principal documents comprising the plan may be inspected and copied during normal business hours at the following locations: Office of State Programs, Directorate of Federal-State Operations, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N3700, Washington, DC 20210; Office of the Regional Administrator, Occupational Safety and Health Administration, Room 415, 71 Stevenson Street, San Francisco, California 94105; Office of the State Designee, Administrator, Nevada Division of Industrial Relations, 400 West King Street, Suite 400, Carson City, Nevada 89703.

[65 FR 20743, Apr. 18, 2000]

§ 1952.297 Changes to approved plans.

(a) *Legislation.* (1) On March 29, 1994, the Assistant Secretary approved Nevada's revised statutory penalty levels which are the same as the revised Federal penalty levels contained in section 17 of the Act as amended on November 5, 1990.

(2) [Reserved]

(b) *Notices of violation.* The State submitted a procedure for issuing notices of violation in lieu of citations for certain other than serious violations which the employer agrees to abate. The procedure as modified was approved by the Assistant Secretary on August 24, 1995.

(c) *Legislation.* The State submitted amendments to its Occupational Safety and Health Act, enacted in 1981, which: provide for notices of violation in lieu of citations for certain other than serious violations; delete the authority for temporary variances for other than new standards; allow the Nevada Occupational Safety and Health Appeals Board to employ legal counsel; allow penalty collection actions to be brought in any court of competent jurisdiction; and ensure confidentiality to employees making

statements to the Division of Occupational Safety and Health. Further amendments, enacted in 1989: require the maintenance of specific logs relating to complaints; provide public access to records on complaints, except for confidential information; provide confidentiality for those employees who file complaints or make statements, as well as for files relating to open cases; allow representatives of employees and former employees access to any records which indicate their exposure to toxic materials or harmful physical agents; define representative of employees or former employees; allow health care providers and government employees in the field of public safety, to file complaints; allow for oral complaints; require the division to respond to valid complaints of serious violations immediately and of other violations within 14 days; provide that an employee who accompanies a compliance officer on the inspection is entitled to be paid for the time spent, but that only one employee may accompany the compliance officer during the inspection; allow the Administrator of the Division of Occupational Safety and Health to issue an emergency order to restrain an imminent danger situation; and, double maximum authorized penalty levels. Amendments enacted in 1993 reflect the new State organizational structural by designating the previous Divisions as sections in the Division of Industrial Relations of the Department of Business and Industry. The Assistant Secretary approved these amendments on August 24, 1995.

(d) *Field Operations Manual.* The State's Field Operations Manual, comparable to the Federal Field Operations Manual, through Change 4, was approved by the Assistant Secretary on August 24, 1995.

(e) *Consultation Manual.* The State's Training and Consultation Section Policies and Procedures Manual was approved by the Assistant Secretary on August 24, 1995.

(f) *Occupational Safety and Health Administration Technical Manual.* The State's adoption of the Federal OSHA Technical Manual, through Change 3, with a cover sheet adapting Federal

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references to the State's administrative structure, was approved by the Assistant Secretary on August 24, 1995.

(g) *Pre-construction conferences.* A State regulations requiring pre-construction conferences with the Division of Industrial Relations for certain types of construction projects was approved by the Assistant Secretary on August 24, 1995.

(h) *Reorganized Plan.* The reorganization of the Nevada plan was approved by the Assistant Secretary on August 24, 1995.

[59 FR 14556, Mar. 29, 1994, as amended at 60 FR 43972, Aug. 24, 1995]

Subpart X [Reserved]

Subpart Y—Hawaii

§ 1952.310 Description of the plan as initially approved.

(a) The plan designates the Department of Labor and Industrial Relations as the agency responsible for administering the plan throughout the State. It proposes to define the occupational safety and health issues covered by it as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). All occupational safety and health standards promulgated by the U.S. Secretary of Labor will be adopted under the plan as well as certain standards deemed to be "as effective as" the Federal standards, except those found in 29 CFR parts 1915, 1916, 1917, and 1918 (ship repairing, shipbuilding, shipbreaking and longshoring).

(b) Within the plan there is the Hawaii Occupational Safety and Health Law which became law on May 16, 1972. The law as enacted gives the Department of Labor and Industrial Relations the authority to inspect workplaces and to issue citations for the abatement of violations and there is also included a prohibition against advance notice of such inspections. The law is also intended to insure employer and employee representatives an opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees

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against discharge or discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the law.

(c) The plan also includes proposed amendments to be considered by the Hawaii Legislature during its 1974 session amending the Occupational Safety and Health Law, and related provisions, to bring them into conformity with the requirements of part 1902.

(d) The Hawaii plan includes the following documents as of the date of approval:

(1) The plan description documents, including the Hawaii Occupational Safety and Health Law, the proposed amendments to the Law and appendices in three (3) volumes;

(2) Letter from Robert K. Hasegawa, Director of the Department of Labor and Industrial Relations, to Jay Arnoldus, Project Officer, Office of Federal and State Operations, December 10, 1973, submitting clarifications to the plan.

(3) Letters from Robert C. Gilkey, Deputy Director of the Department of Labor and Industrial Relations, to Jay Arnoldus, December 3, 1973 and December 4, 1973 submitting clarifications and deletion to the plan.

(4) Letters from Robert K. Hasegawa to Gabriel Gillotti, Assistant Regional Director, January 30, 1973, and June 28, 1973.

(5) Letter from Robert A. Gilkey to John H. Stender, Assistant Secretary of Labor, October 30, 1973.

(6) Letters from Robert K. Hasegawa to John H. Stender, Assistant Secretary of Labor, November 7, 1973 and September 14, 1973 submitting proposed legislative amendments and modifications and clarifications to the plan.

[39 FR 1012, Jan. 4, 1974, as amended at 49 FR 19192, May 4, 1984]

§ 1952.311 Developmental schedule.

(a) Introduction of Legislative amendments to State Legislature January 1974.

(b) Hearings on standards promulgation March 1974.